

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JESSIE TOMPKINS, SR., )  
                            )  
Plaintiff,              )  
                            )  
v.                         ) CIVIL ACTION NO. 2:06CV325-WKW  
                            ) [WO]  
JUDGE JOHN JONES, et al., )  
                            )  
Defendants.             )

**ORDER ON MOTION**

On 3 May 2006, the plaintiff filed a Motion For Default Judgment against Christopher Lowery, a defendant in this case (Doc. # 15). Upon consideration of the motion, and for good cause, it is

ORDERED that the motion is DENIED. Although Christopher Lowery was served with a copy of the summons and complaint on 12 April 2006 and her answer was due on 3 May 2006 (See Doc. # 12), the court is currently considering the Recommendation entered on 21 April 2006 which advised dismissal of all claims against Jessica Larry with prejudice. The court's ruling on the Recommendation will instruct the defendants regarding the proper course of action, and the defendant is not deemed in default.

DONE this 8<sup>th</sup> day of May, 2006.

/s/ Vanzetta Penn McPherson  
VANZETTA PENN MCPHERSON  
UNITED STATES MAGISTRATE JUDGE